IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 950 of 2007(K)

PETITIONER:

SMT.UMA, W/O.PALATH AYYAPPAKUTTY JAYAN,
KAREKKATTU HOUSE, P.VEMBALLUR, KODUNGALLUR,
THRISSUR.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE DIRCTOR GENERAL OF POLICE,
OFFICE OF THE POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM.

3. THE DY.S.P. (CRIME BRANCH),
THRISSUR DISTRICT.

4. THE SUPERINTENDENT OF POLICE,
SPECIAL CRIME BRANCH, CBI, CHENNAI.

5. SUB ISNPECTOR OF POLICE,
MATHILAKOM POLICE STATION.

ADDL.R6. P.A.SIVARAMAN, PALLATHU HOUSE,
KAIPAMANGALAM BEACH.P.O.,
THRISSUR, NOW RESIDING AT C/O. KERALA BHAVAN
RESTAURANT, MUTEENA STREET DEIRA, DUBAI
(ADDL.SIXTH RESPONDENT IS IMPLEADED AS PER ORDER IN
I.A.NO.2897 DT.21/02/2007)

BY ADV. SRI.S.SREEKUMAR, SC FOR CBI
GOVERNMENT PLEADER SRI.GIKKU JACOB
ADV.SRI.A.X.VARGHESE FOR ADDL.R6

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P.C.No.950 of 2007

Dated this the 21st day of February 2007

JUDGMENT

The petitioner is the wife of deceased Jayan who was employed abroad and who returned India on 03/11/2005. On 04/11/2005, he allegedly went to see his wife, the petitioner herein. He returned from her house to his tharavadu house where he found dead on 05/11/2005. An F.I.R was registered under the caption “unnatural death” and enquiry was conducted under Section 174 Cr.P.C. The petitioner was not satisfied with the investigation conducted and she approached this court with a writ petition and the same was disposed of by Ext.P1 order. Another bench of this court directed that the investigation must be conducted by the Deputy Superintendent of Police, Crime Branch, Thrissur. Further investigation continued. Three incumbents in the office of the Deputy Superintendent of Police of Crime Branch CID, Thrissur have, by now, handled the investigation. Investigation has not been completed yet. The petitioner has come to this court again with the grievance that the present incumbent in the office of the Deputy

Superintendent of Police, Crime Branch CID, Thrissur is not conducting a proper and efficient investigation. It is, in these circumstances that the petitioner has renewed the request to again change the investigating officer and entrust the investigation to the CBI.

2. Notice was given to the respondents. The present investigating officer, as directed by the court, has filed a detailed statement showing the stage of investigation. I have been taken through all the relevant materials.

3. According to the petitioner, she has lost trust, faith and confidence in the present investigating officer because the present investigating officer allegedly harassed the petitioner. What is the harassment? It is submitted that the present investigating officer has expressed the opinion that the deceased had committed suicide because of the conduct of the petitioner. He has gravitated to that conclusion and he has made no secret of the direction in which his investigation is heading. I have been taken through the counter statement filed by the present investigating officer in detail. As the investigation is not completed yet and vital inputs are yet being collected by the

investigating officer, I shall carefully not express any opinion on merits about the acceptability of the rival contentions raised on merits about the correctness of the direction in the investigation.

4. Suffice it to say that there is a crucial document which has been produced as an alleged suicide note, which has been sent to the expert. A copy of that has been produced as Ext.R3 (a) in this proceedings. It is certainly of crucial importance to ascertain whether the handwriting and signature in Ext.R3(a) is that of the deceased or not. The report from the handwriting expert from the Forensic Science Lab is awaited, it is reported.

5. The petitioner raises the grievance about inadequate investigation. The learned counsel points out that when the deceased was found hanging, his legs were touching the cot under the fan in which he was found hanging. It is further pointed out that the relatives of the deceased at his family house had, without waiting for the police or others to reach the scene, allegedly opened the room which was allegedly closed from inside by putting their hands through the ventilator.

6. These circumstances may justify a closer investigation and verification and cross checking of all crucial facts. At any rate, on a perusal of the entire circumstances in this case, I am

not at all persuaded to agree that any further direction deserves to be issued now to change the present investigator. The present investigator must make every endeavour to complete the investigation, at the earliest and file the final report. If the petitioner is aggrieved by the final report, remedies available to her under law can be invoked by her.

7. With the above observations, this petition is dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006